

SENATE BILL 732

By Graves

AN ACT to amend Tennessee Code Annotated, Section 8-42-101;
Title 37, Chapter 1, Part 7 and Section 39-17-1505,
relative to the teen court program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-702, is amended by adding the word "program" after the words "a teen court" and before the period at the end of the second sentence of subsection (a).

Subsection (a) is further amended by adding the following after the words "may receive a" and before the words "disposition recommended" in the third sentence:

deferred judgment, a condition of which is successful completion of the teen court program. As a part of such program, the teen shall receive a

SECTION 2. Tennessee Code Annotated, Section 37-1-702(b)(2), is amended by adding the language "juvenile court proceedings shall be suspended for a period of six (6) months or such other time authorized by the local, written procedures of the juvenile court"; after the language "the dispositional stage," in the second sentence.

SECTION 3. Tennessee Code Annotated, Section 37-1-702, is amended by designating the current subitems (b)(1) and (2) as (b)(2)(A) and (B), and by inserting the following as subitem (b)(1):

(b)(1) Pursuant to local, written procedures adopted by the juvenile court, participation in the teen court program may be initiated by an officer of the court under the informal adjustment process of § 37-1-110. Successful completion of a teen court program may be a condition of pretrial diversion under Rule 23, Rules of Juvenile Procedure.

SECTION 4. Tennessee Code Annotated, Section 37-1-702(c)(1), is amended by adding the following as appropriately designated subitems immediately preceding the last subitem, and by appropriately renumbering the last subitem:

() Violation of any of the following sections of the Tennessee Drug Control Act, § 39-17-401, et seq.:

(i) §39-17-418(a) or (b), relative to simple possession or casual exchange of a controlled substance;

(ii) §39-17-422(a) or (b), relative to smelling or inhaling fumes of any glue, paint, gasoline, aerosol, chlorofluorocarbon gas or other substance containing a solvent having the property of releasing toxic vapors or fumes; or possessing any glue containing a solvent having the property of releasing toxic vapors or fumes for the purpose of smelling or inhaling fumes or vapors; or

(iii) §39-17-426, relative to possession of gentiana lutea, also known as jimsonweed, on the premises or grounds of any school;

() Any criminal offense, status offense, violation, infraction or other prohibited conduct involving the possession, use, sale or consumption of any alcoholic beverage, wine or beer.

() A second or subsequent violation, within a one (1) year period, of §39-17-1505, regarding possession, purchase or acceptance of tobacco products, or offering false or fraudulent proof of age for the purpose of purchasing or receiving any tobacco product.

SECTION 5. Tennessee Code Annotated, Section 37-1-702(d), is amended by adding the following as an appropriately designated subitem:

(4) The juvenile court shall dismiss the petition or charges at the conclusion of the deferral period if the court determines that the teen has successfully completed the teen court program. If the teen fails to successfully complete the prescribed program, or if a new delinquent or unruly petition is filed against the teen during the deferral period, the petition under which the teen court disposition was ordered may be reinstated and the case may proceed as if the teen court disposition had never been entered.

SECTION 6. Tennessee Court Annotated, Section 37-1-702(e)(1), is amended by adding the following at the end of subitem (C), after the language "privileges";:

provided, that any disposition governed by §55-10-701 shall include an order of denial of driving privileges;

SECTION 7. Tennessee Code Annotated, Section 37-1-702(e)(1), as amended by this act, and Section 37-1-702(e)(2) are amended by redesignating such subsection as Section 37-1-703(a) and (b), and by appropriately renumbering each internal subitem.

SECTION 8. Tennessee Code Annotated, Section 37-1-702(f), is amended by redesignating such subsection as Section 37-1-704, and by appropriately renumbering each internal subitem.

SECTION 9. Tennessee Code Annotated, Section 37-1-702(g), (h), (i) and (j), are amended by redesignating such subsections as Section 37-1-705(a), (b), (c), and (d).

SECTION 10. Tennessee Code Annotated, Title 37, Chapter 1, Part 7, is amended by adding the following as a new, appropriately designated section:

37-1-706(a) Nothing in this part shall be deemed to impair the authority of juvenile courts to adopt different or alternative procedures for the establishment of or the operation of an existing teen court program within their respective jurisdictions. Any such teen court program shall meet due process standards including, but not limited to, those pertaining to informed and voluntary participation in the program and any necessary waiver of rights.

(b) Upon adoption of local, written procedures, a juvenile court may delegate responsibility for operation of a teen court program to a person licensed to practice law in the state of Tennessee.

(c) Any reference to "juvenile court" or "juvenile court judge" in this part shall be interpreted to include a referee under §37-1-107.

SECTION 11. Tennessee Code Annotated, Section 39-17-1505(c), is amended by adding the language "or successful completion of a prescribed teen court program" after the words "fifty (50) hours" and before the words "for a second" in the third sentence.

SECTION 12. Tennessee Code Annotated, Section 8-42-101(3), is amended by adding a new, appropriately numbered subitem:

(F) "State employee" also includes, solely for purposes of this chapter and under §9-8-307(a)(1)(A),(D),(E),(F),(M),(N),(Q), and (R), a volunteer designated by a juvenile judge to be responsible for the operation of a teen court program under Title 37, Chapter 1, Part 7.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.